



Vinson & Elkins

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11/15-06

IFW

November 14, 2006

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

November 14, 2006

Date

*M. M. Fleming*  
M. M. Fleming

Re: U.S. Patent Application Serial No. 10/767,106 entitled "METHOD AND COMPOSITION FOR TREATMENT OF ACNE VULGARIS AND ACNE ROSACEA" by Bernstein  
Attorney Docket No. DUS100/4-005US/58005  
Confirmation No. 4430

Dear Sir:

Enclosed for filing in the above-referenced patent application are the following:

1. Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney;
2. Return receipt postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

No fee is believed to be due for the attached paper. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/DUS100/4-005US/58005.

Respectfully submitted,

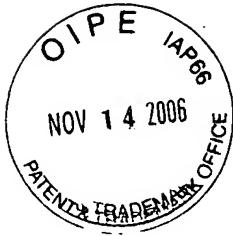
*M. M. Fleming*

M. M. Fleming  
Reg. No. 42,913

MMF/eh  
Enclosures

cc: Marya Breig, Docketing Coordinator (w/o encls.)

764814v.1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of:  
Joel E. Bernstein

Serial No.: 10/767,106

Filing Date: January 29, 2004

For: METHOD AND COMPOSITION FOR  
TREATMENT OF ACNE VULGARIS  
AND ACNE ROSACEA

Group Art Unit: 1616

Examiner: Unknown

Atty. Dkt. No.: DUS100/4-5US

Confirmation No.: 4430

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11/14/2006  
Date

Tracy Davies

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record of an interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints all registered patent practitioners associated with Customer No. 21586 to act on Applicant's behalf before the United States Patent Office in connection with the captioned application.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to DUSA Pharmaceuticals, Inc. referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

ASSIGNEE:

DUSA PHARMACEUTICALS, INC.

By: Scott P

Name: Scott Lundahl  
Title: VIP of 12A & IP

Date: 11/13/06

ASSIGNMENT:

Concurrently filed  
 Previously recorded  
Date: 03/21/06  
Reel: 017336  
Frame: 0786

Austin 744685v.1